

ORDINANCE NO. 14

Series 2003

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", CONCERNING BUILDING AND SITE DISTURBANCE ENVELOPES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 9-2-2 of the Breckenridge Town Code is hereby amended by the inclusion of the following additional definition of "Site Disturbance Envelope", which shall read in its entirety as follows:

SITE DISTURBANCE ENVELOPE:	A space of fixed dimensions within a lot which defines that portion of the lot where all permanent structures on the lot must be located, and within which all construction activities shall occur, except as otherwise provided in this Chapter. A site disturbance envelope shall be used to limit the location of improvements constructed within a lot, and to minimize or contain the disturbance associated with the construction of such improvements, so as to protect vegetative, geological, hydrological and historic resources, views, and to maintain a visual buffer/separation between the improvements to be constructed and the improvements, if any, located or to be located on adjoining lot(s).
----------------------------	--

Section 2. Section 9-2-4—5(c)(7) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

7. The following standards shall apply to site disturbance envelopes:

a. Site disturbance envelopes shall be platted for all residential lots at the time of subdivision.

b. A site disturbance envelope shall be located on a lot in a manner which complies with the provisions of Paragraph (C) of Policy 9 (Absolute)("Placement of Structures"), and Paragraph (D) of Policy 9 (Relative)("Placement of Structures"), of Section 9-1-19 of this Code.

c. In addition to the minimum requirements which will be established through subsection (b), above, the location of a site disturbance envelope shall also take into consideration: (i) the topography of the lot; (ii) wetlands or water bodies on or adjacent to the lot, if any; (iii) the vegetation, geology, hydrology, and/or historic resources of the lot; and (iv) any ridge lines on the lot that should be protected to maintain a scenic backdrop to Town.

d. Except as provided in subsection (e), the following shall occur within a platted site disturbance envelope: (i) all construction activities, including, but not limited to, grading, excavation, soil disruption (tree cutting and/or the removal of native vegetation unless approved by separate review in connection with an approved fire mitigation and/or a forest management plan); and, (ii) the construction of all permanent improvements, such as buildings, roof overhangs, structures, decks, at grade patios, fences, stairs, window wells, bay windows, or other similar improvements.

e. The following may occur outside of a platted site disturbance envelope: (i) construction of approved driveway access and paving, walkways, necessary driveway retaining walls, utility connections, pedestals and boxes, approved drainage facilities, culverts, public and private trails, street lighting, driveway entrance signage and related lighting, and soil disturbances related to all such activities; (ii) approved tree planting and

landscaping; and (iii) other activities approved by the Director which are consistent with the intent and purpose of the Town requirement for the creation of site disturbance envelopes.

Section 3. The definition of "Building Envelope" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

BUILDING ENVELOPE: A space of fixed dimensions within a lot which defines that portion of the lot where all permanent structures on the lot must be located, except as otherwise provided in this Chapter or a subdivision plat note pertaining to such building envelope.

Section 4. Subsection (C)(2)(c)("Exceptions") of Policy 9(Absolute)("Placement of Structures") of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

c. Exception: The provisions of this subsection C(2) shall not apply to the development of: 1) any lot with an existing platted building or site disturbance envelope, 2) any lot having building locations previously established by a development permit, and 3) any lot created pursuant to a master plan for a single family residential subdivision in which seventy five percent (75%) or more of the units or lots within the subdivision are encumbered by an employee housing restrictive covenant which is in compliance with the provisions of Policy 24 (Relative)(Social Community) of this Chapter, and all other relevant Town employee housing standards and requirements.

Section 5. Subsection (D)(2)(a) of Policy 9 (Relative)("Placement of Structures") of Section 9-1-19 of the Breckenridge Town Code is hereby amended by the addition of a new number (3), which shall read in its entirety as follows:

3. Rear yard: fifteen (15) feet

Section 6. Subsection (D)(2)(c)("Exceptions") of Policy 9(Relative)("Placement of Structures") of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

c. Exception: The provisions of this subsection D(2) shall not apply to the development of: 1) any lot with a platted building or site disturbance envelope, 2) any lot having building locations established by a development permit, or 3) any lot created pursuant to a master plan for a single family residential subdivision in which seventy five percent (75%) or more of the units or lots within the subdivision are encumbered by an employee housing restrictive covenant which is in compliance with the provisions of Policy 24 (Relative)(Social Community) of this Chapter, and all other relevant Town employee housing standards and requirements.

Section 7. Paragraph G of Policy 39(Absolute)("Master Plan") of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

G. Scope Of Master Plan: A master plan shall provide: 1) the types of use(s) being proposed; 2) the general character of the proposed development; 3) the density proposed for the development; 4) access to and from the property proposed to be developed; 5) major internal circulation elements (both pedestrian and vehicular); 6) the general configuration of necessary roads, easements and utilities; 7) the sequence of the proposed development; 8) the development concept and design and architectural intent on the proposed development; 9) for the establishment of site disturbance envelopes at the time of subdivision or site plan level development; and 10) other factors necessary to determine the general conformance of the proposal with the Town's development policies. Generally, issues pertaining to planning details normally addressed at the site planning level should not be included in a master plan. Such issues will be subsequently addressed through the review of applications for individual development permits to develop the property which is the subject of the master plan. At the election of the developer or the Director, further detail may be

proposed to be included within the scope of the master plan. The Director may require concept level planning in order to determine the feasibility of the phasing schedule proposed by the applicant.

Section 8. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 9. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

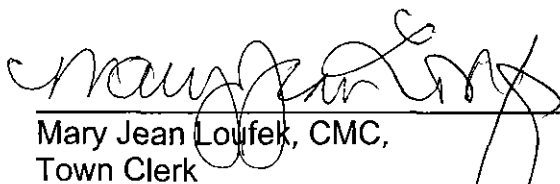
Section 10. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

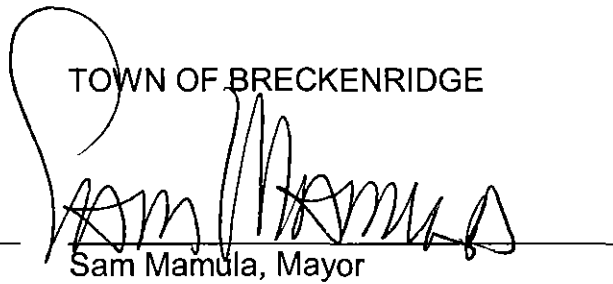
Section 11. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 11th day of March, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22nd day of April, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

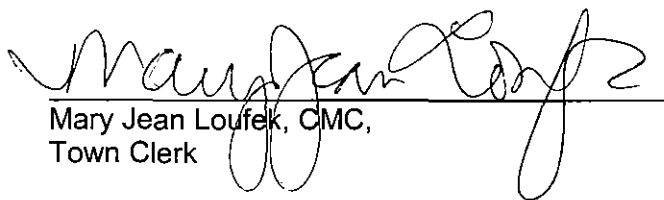
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 21, 2003.

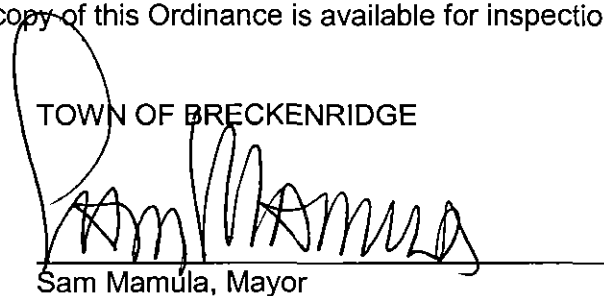
The public hearing on this ordinance was held on April 22, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 22ND day of April, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

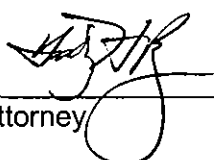
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

4/22/03
Date

This ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 2, 2003.